

Senate Bill 115

By: Senator Wiles of the 37th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to change certain provisions relating to license required; to change certain provisions relating to driving while license is suspended or revoked or without being licensed; to provide for penalties; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by revising subsections (a) and (b) of Code Section 40-5-20, relating to license required, as follows:

"(a)(1) No person, except those expressly exempted in this chapter, shall drive any motor vehicle upon a highway in this state ~~unless such person has a valid driver's license without being validly licensed~~ under this chapter for the type or class of vehicle being driven. Any person who is a resident of this state for 30 days shall obtain a Georgia driver's license before operating a motor vehicle in this state.

~~(2)(A) Any violation of this subsection, except the violation of driving with an expired license, or a violation of Code Section 40-5-29 if such person produces in court a license issued to such person and valid at the time of such person's arrest; Violation of paragraph (1) of this subsection~~ shall be punished as provided in Code Section 40-5-121, except as otherwise provided by subparagraph (B) or (C) of this paragraph.

(B) If such person was previously licensed under this chapter for the type or class of vehicle being driven and such license merely expired without renewal, then such person shall be subject to punishment under Code Section 40-5-120; provided, however, that such charge shall be dismissed if at the time of the hearing such previously licensed

person presents to the court a currently valid license issued under this chapter for the type or class of vehicle that was driven.

(C) If a resident of this state was licensed by another state for the type or class of vehicle being driven but was eligible for and failed to obtain a license under this chapter as required by paragraph (1) of this subsection, then such person shall be subject to punishment under Code Section 40-5-120; provided, however, that such charge shall be dismissed if at the time of the hearing such previously licensed person presents to the court a currently valid license issued under this chapter for the type or class of vehicle that was driven.

(3) Driving while being validly licensed but without having such license in immediate possession shall not be an offense under paragraph (1) of this subsection but shall instead be subject to the provisions of Code Section 40-5-29.

(4) Any court having jurisdiction over traffic offenses in this state shall report to the department the name and other identifying information of any individual convicted of driving without a license being validly licensed.

(b) No person, except those expressly exempted in this chapter, shall steer or, while within the passenger compartment of such vehicle, exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway in this state ~~unless such person has a valid driver's license~~ without being validly licensed under this chapter for the type or class of vehicle being towed."

SECTION 2.

Said chapter is further amended by revising subsection (a) of Code Section 40-5-121, relating to driving while license is suspended or revoked or without being licensed, as follows:

"(a) Except when a license has been revoked under Code Section 40-5-58 as a habitual violator, any person who drives a motor vehicle on any public highway of this state without being validly licensed as required by subsection (a) of Code Section 40-5-20 or at a time when his or her privilege to so drive is suspended, disqualified, or revoked shall be guilty of a misdemeanor for a first conviction thereof and, upon a first conviction thereof or plea of nolo contendere within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, shall be fingerprinted and shall be punished by imprisonment for not less than two days nor more than 12 months, and there may be imposed in addition thereto a fine of not less than \$500.00 nor more than \$1,000.00; ~~provided, however, that at the time of the hearing such person shall not be guilty of such offense if he or she presents the court with proof of a valid driver's license issued by this state.~~ Such fingerprints, taken upon conviction, shall be forwarded to the Georgia

Crime Information Center where an identification number shall be assigned to the individual for the purpose of tracking any future violations by the same offender. For the second and third conviction within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, such person shall be guilty of a high and aggravated misdemeanor and shall be punished by imprisonment for not less than ten days nor more than 12 months, and there may be imposed in addition thereto a fine of not less than \$1,000.00 nor more than \$2,500.00. For the fourth or subsequent conviction within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, such person shall be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than five years, and there may be imposed in addition thereto a fine of not less than \$2,500.00 nor more than \$5,000.00."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.